

REMARKS

The Office Action of March 21, 2005 has been reviewed, and all issues have been carefully considered. The present Amendment amends claims 1, 4 and 5 in accordance with the originally-filed specification, such as paragraph [0033] and cancels claim 3. Claims 1, 2, 4 and 5 are now pending in this application, wherein claim 1 is in independent form.

35 U.S.C. §103 Rejections

Claims 1-5 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,570,726 to Wahhoud et al. ("the '726 patent") in view of U.S. Patent No. 6,019,139 to Thompson III ("the '139 patent"). Claim 3 has been cancelled and therefore the rejection with respect to claim 3 is moot. Claims 2, 4 and 5 each depend directly from allowable independent claim 1.

The '726 patent discloses a loom having weft hold-down members and enlarged inlet and outlet weft insertion channels. However, the '726 patent only discusses the varying of the width of the channels, although language such as enlarged cross-section appears in the disclosure. Further, there is no "funnel-shaped" or "tapering" configuration mentioned in the '726 patent. Circular hold-down members are disclosed, which are wholly unrelated to the shape of the reeds. (See col. 2, ll. 36-39). Further, although a front view is shown in Fig. 3 giving the appearance of "slanted" reeds, there is no disclosure of a "tapering configuration" beyond the widened inlet 13 and the widened outlet 14, which creates an enlarged cross-section. As well, this widening of the inlet 13 and outlet 14 effectively weakens the reed and no structural reinforcement is disclosed to accommodate for the removed channel widths.

The '139 patent teaches a weaving reed with reinforced dents having a projection in the rear edge section. The reed dent is generally applied to each reed similarly for the same

loom. Further, these reed dents are of a uniform increased width section 66 until reaching its lower channel member 24 and do not vary in width.

To establish obviousness, all claim limitations must be taught or suggested by the prior art. (See MPEP § 2143). The '726 patent does not teach or suggest all of the limitations of amended independent claim 1. More specifically, the '726 patent does not disclose the subject matter of claim 1 relating to the larger depths of the hollow portions nor the smaller sizes of the reed dents. Although the Office Action asserts that the varying of the widths "corresponds to the depth and vertical dimension limitations," Applicant respectfully submits that these limitations are not found in the cited prior art as discussed above. Thus, for at least the foregoing reasons, independent claim 1, as well as dependent claims 2, 4 and 5 which depend therefrom, are not rendered obvious over the '726 patent in view of the '139 patent. Reconsideration and withdrawal of the rejection of claims 1, 2, 4 and 5 is respectfully requested.

"The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." See MPEP § 2143.01. Applicant asserts that there is no suggestion or motivation in the prior art to provide the structure of claim 1 as indicated above. Thus, there is no prima facie case for obviousness against claims 1, 2, 4 and 5. Again, reconsideration and withdrawal of the rejection of claims 1, 2, 4 and 5 is respectfully requested.

In view of the following remarks and the above amendments to the claims, reconsideration and withdrawal of the Examiner's rejections of claims 1, 2, 4 and 5 is respectfully requested. Applicant also respectfully submits that these claims are now in condition for allowance.

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Product-by-Process

The Office Action further asserts that claims 3-5 are product-by-process claims. In response to this assertion in the Office Action, Applicant has cancelled claim 3 and amended claims 4 and 5 to alleviate any concerns. Therefore, Applicant respectfully submits that claims 4 and 5 are directed to embodiments of the reed and are not product-by-process.

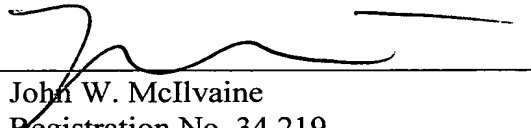
CONCLUSION

For all the foregoing reasons, Applicant believes that pending claims 1, 2, 4 and 5 are patentable over the cited prior art and in condition for allowance. Reconsideration of the rejections and allowance of all pending claims 1, 2, 4 and 5 are respectfully requested.

Respectfully submitted,

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